

This is a statement on Georgia's voting legislation. They say, "We want to be crystal clear and state unambiguously that we are disappointed in the outcome of Georgia's voting legislation. Our focus is now supporting Federal legislation that protects voting access and addresses the voter suppression across the country."

Major League Baseball, they have been pretty clear on this. There is been quite a debate about this. It happened—you know, I don't know what is going to happen this week. I don't know what is going to happen. But I know when we raised questions about the Washington Football Team and spoke directly to the team, we said, "This is the wrong approach. You need to change." They said, "We don't want to."

In the end, the business community, supported by many Native American organizations, the business community told the Washington team it was time to change. So the business community is telling us here, Do not suppress the rights of voters in the United States of America.

So we may not be successful here, but I guarantee you the business community will continue to be loud about this because they know that voter suppression and undermining democracy is undermining healthy communities here in the United States.

So "Major League Baseball fundamentally supports the rights for all Americans and opposes restrictions at the ballot box."

And the Black Economic Alliance, this was a statement on the Georgia voting legislation signed by 72 Black economic and business leaders: "While the use of police dogs, poll taxes, literacy tests and other overtly racist voter suppression tactics are a thing of the past, Georgia and other States are rushing to impose new and substantial burdens on voting laws following an election that produced record turnout for both parties. The disproportionate racial impact of these allegedly 'neutral laws' should neither be overlooked nor excused. The stakes for our democracy are too high to remain silent or on the sidelines."

So all of these organizations—I want to just end with one last one, the Civic Alliance. The Civic Alliance is an organization signed by 1,200 member companies that basically said: "If our government is going to work for us, for all of us, each of us must have equal freedom to vote, and elections must reflect the will of the people. We cannot elect leaders in every state capital and Congress to work across the aisle. We call on elected leaders in every capital and in Congress to work across the aisle and ensure that every eligible American has the freedom to easily cast their ballot and participate fully in our democracy."

So these are the statements of people who are ringing the bell of concerns about voter suppression across the United States of America. These are

the people who are saying it is time for us to act. They are not saying, Figure it out in a few years. They are not saying, This is something you can deal with later. They are asking us to act now.

Usually, the business community doesn't get that involved in stating legislation by House and Senate bill numbers. They usually don't do that. They are usually a little more reticent. They are not reticent now because they know doing business in a democracy is way better than in some scenario of voter suppression.

So I ask my colleagues to join us in getting this done. I see my colleague who has been the leader on this effort overall, the Senator from Minnesota, and I thank her for her leadership on this issue. This has been a hard-fought battle and something she has put a lot of energy into, and I want to personally thank her for that leadership and continuing to fight this fight.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Minnesota.

H.R. 5746

Ms. KLOBUCHAR. Madam President, I first want to thank my colleague from the State of Washington, Senator CANTWELL, for her passion for people and the rights of people to vote, and her willingness to actually go through the details of the groups outside of this Congress that feel so strongly about this, including businesses, as pointed out, that understand that you can't do business overseas—having just come back from Ukraine, from which I just arrived an hour ago—and uphold democracies overseas, if we are allowing our democracy to go to shambles by allowing voter suppression laws to pass, as they have in numerous States across the country.

Just this week, we marked the life and legacy of Dr. Martin Luther King, Jr., and, today, we are considering legislation that goes to the very heartbeat of the democracy—the freedom to vote—that so many have fought and died for.

We are here because a flood of State laws to roll back voting has surged up since the 2020 elections, when in the 2020 elections, in the middle of a pandemic, more Americans cast a ballot than ever before. They were willing to take those risks, and the laws were changed in red States and blue States and purple States to allow them to do that.

But now what do we see? A rollback. A rollback in the Presiding Officer's great State of Wisconsin. We see rollbacks attempted across the Nation in places like Montana, with same-day registration in place for 15 years. And 8,000 people took avail of it in the last election to either change their address or register that way.

So then what happens? Well, say the Republican legislature in Montana says: Why don't we get rid of some-

thing we have had in place for 15 years? Why don't we do that?

Guess what that creates, my friends. Maximum confusion and ultimate voter suppression.

With that core freedom of voting now at stake, it is on us to stand up and to take up the torch that Dr. King and so many brave Americans carried decades ago and acted to preserve the foundational right of our democracy. And while that may sound like an ambitious task, it is one within our reach. By passing the Freedom to Vote: John R. Lewis Act, we can meet these challenges and turn back the tide.

Today, I want to address a topic that has loomed large over this historic debate, and that has to do with the very rules of this Chamber.

This week, every Member of the Senate will have a chance to cast a vote that will determine if this is a legislative body that will rise to meet a test. The test is participation and voting. The test is actually being able to take on the issues of our day.

It won't be the first time. Indeed, four times already this Congress, our Republican colleagues have blocked us from even considering legislation to protect the freedom to vote. But we are here again this week. We are here because, to quote Ella Baker, a granddaughter of slaves from Virginia who worked alongside some of the great leaders of the civil rights movement, "We who believe in freedom cannot rest."

So while much has been made of our colleagues who have not committed to join us in this effort to change the Senate rules, we must remain steadfast in the truth that the right to vote in this country is not negotiable. We must forge ahead.

I want to start by responding to some of the points that have been raised as reasons not to move forward with legislation at this watershed moment, as reasons not to do what it takes when it comes to protecting this most sacred of rights—the right to vote.

Some have argued that allowing voting rights legislation to pass the Senate without clearing a 60-vote threshold would be a mistake that would open the door to somehow leading to wild swings in Federal policy. I am trying to imagine this place ever being involved in such a thing given how slowly we go and how many people understandably want to make sure we are careful in how we pass laws, but that is one of the things that have been raised for why we need some kind of a 60-vote threshold, which, of course, is not in the Constitution. The words "filibuster" and "cloture" are not in the Constitution. In fact, legislatures across this land, some of which do very good things, do not use a 60-vote threshold. In fact, democracies across the world do not use a 60-vote threshold.

The truth is this: We have tried for months to persuade our Republican colleagues to join us in supporting legislation, to work with us, to debate it,

but what they do is they throw a wrench into the process and then basically walk out that door and go home. We don't have that debate that allows us to have amendments and allows us to ultimately have a vote on the bill. It is cut off from a vote.

When you look at the past when it comes to voting rights, it has been bipartisan not even that long ago. But this time—this time—even reauthorizing the Voting Rights Act, something that has been law of the land and supported on a bipartisan basis, as the President of the United States pointed out when he was in Atlanta—this time, no. Only one Republican, Senator MURKOWSKI of Alaska, was willing even to allow the John Lewis bill to come up for a vote.

But if our colleagues across the aisle will not work with us, it does not mean—it cannot mean—that we should simply give up. A simple look at history makes that clear.

As Representative CLYBURN has noted in recent weeks, there have been moments in our history when this most fundamental of rights has not been extended or defended on a bipartisan basis; that is, the right to have these bills come up. He pointed to the 15th Amendment. That, as he said, was a single-party vote that gave Black people the right to vote. That fact does not make the 15th Amendment any less legitimate.

I would also say to my colleagues that the real threat facing our country isn't too much legislation; it is the gridlock and the stalemate in which this Chamber is stuck.

A number of us were just in Ukraine standing up for democracy, standing up for the right of people across the world to be able to debate issues and make decisions on the most pressing issues of this time. Now we are back here in this Chamber, and we have to have that opportunity as well.

This misses another key point in the arguments made against changing the rules. When politicians actually have to vote on stuff, voters can hold them accountable for these votes.

We know that the policies in the Freedom to Vote: John R. Lewis Act enjoy strong support among the American people. They have been adopted in red, blue, and purple States.

Look at places like Utah, where for years there has been mail-in balloting. Yet, in other States, sadly, it is really hard to do. In other States, you have to get a notary just to get an application or you have to get a witness just to get an application even if you have COVID and you are in a hospital. Yet, in many States—red, blue, purple—this is in place.

We believe—those of us who support the Freedom to Vote Act—that in keeping with the Constitution that says Congress can make or alter the laws regarding Federal elections, that this should be the law of the land. It is constitutionally supported, and Americans, no matter what their ZIP Code,

should have the right to vote in a safe way that is best for them.

Arguing that Senate rules are more important than the right to vote ignores the very history of this Nation. As Senator ANGUS KING has reminded us, in 1890, Henry Cabot Lodge introduced a bill to ensure African Americans in the South were not disenfranchised. The bill was passed in the House but was blocked by the Senate with a filibuster. Lodge argued that the Senate should get rid of the filibuster, saying:

To vote without debating is perilous, but to debate and never vote is imbecile.

I think that kind of says it all quite directly.

The Senate chose not to change its rules, and due to repeated filibusters in the years that followed, Congress couldn't pass legislation to enforce the 15th Amendment until nearly 70 years later through the Civil Rights Act of 1957.

We have also heard that allowing one party to insist on virtually unlimited debate so that you can't vote is an essential part of the Senate, but experts from both parties have said this isn't true.

Marty Gold, a respected expert on Senate rules who worked for Republican Leader Howard Baker and was staff director of the Senate Rules Committee, has written:

The possibility that a minority of Senators could hold unlimited debate on a topic against the majority's will was unknown [in] the first Senate.

Those are his words.

Others have argued that requiring a supermajority, as this filibuster does now, to pass legislation was an intentional effort to foster compromise, but, again, the historical record simply doesn't back that up.

The Constitutional Convention heard but did not adopt a proposal to require a supermajority for legislation. The Framers explicitly decided to reserve supermajority requirements for things like constitutional amendments, treaties, and impeachment.

To quote one of them, Benjamin Franklin wrote that a system where "the minority overpowers the majority" would be "contrary to the common practice of assemblies in all countries and ages."

Thomas Jefferson wrote in a letter to James Madison:

It is my principle that the will of the majority should always prevail.

James Madison was a fierce defender of minority rights, but in 1834, even he wrote:

The vital Principle of Republican Government is . . . the will of the majority."

Listening to those words, does it really seem like the Framers of our Constitution envisioned a system where a minority of Senators could stand in the way of legislation and stop it altogether—stop the vote, stop the consideration, throw a wrench into the process, take it off the rails—and then

just walk out the door and go home? That is not what they envisioned.

I also want to be clear. Updating the Senate rules to meet the needs of this moment isn't some radical break with past precedence. Throughout the Senate's history, when faced with unrelenting obstruction from the minority, the majority has, in fact, changed the Senate rules to allow matters to conclude, to be voted on, not to hang in abeyance in perpetuity. In fact, since it was first established in 1917, the cloture rule has been revised multiple times to make it easier to end debate and to force a vote.

Now, for friends watching at home, this is what it means: A cloture motion is what allows Senators to bring something to a vote, and under the current rules, it takes 60 Senators to open debate or to pass a bill.

Here are some examples of how the cloture rule has changed over time:

In 1949, cloture was extended to cover all issues pending before the Senate, not just bills.

In 1975, the vote threshold for cloture was reduced to three-fifths of all Senators.

In 1979, total postcloture debate was limited to 100 hours, and then it was limited again to 30 hours in 1986.

In the past decade, the cloture rule has been further reduced for various kinds of nominees, most recently by our Republican colleagues across the aisle. This isn't something from 100 years ago. This isn't something from before we had cars and people were arriving here on horseback. This just happened.

In addition to changes to the cloture rule itself, the Senate has put in place exceptions to the rule. In fact, over time, the Senate has established over 160 processes and statutes that allow a final vote without requiring 60 votes for cloture to end debate; in other words, you get to a vote without the 60 votes.

As a result, we have expedited procedures, including—get this—reconciliation to pass spending and tax legislation; the Congressional Review Act to block regulations; disapproval of arms sales. I guess someone decided that was OK to do for less than 60 votes. Even approving compensation plans for commercial space accidents doesn't require 60 votes, my friends.

But while the 60-vote threshold was carved up 160 times so Senators could pass things like tax cuts under President Trump, block regulations, and confirm Supreme Court Justices, when it comes to voting rights, we are told that tradition and comity mean that we should hug it tight—this old rule—throw voters under the Senate desks, and go home.

It is no wonder that our Republican colleagues support for the 60-vote threshold rings hollow when their priorities, such as tax cuts and a Supreme Court nominee, can be passed with a simple majority.

Time and time again, the majority in the U.S. Senate has had to change the

rules to help pass major legislation. As Senator MERKLEY has noted time and time again, bills we have passed after the majority has modified the rules include the Natural Gas Policy Act in 1977; funding for the Selective Service System in 1980; deficit reduction legislation in 1985; a moratorium on listing new species under the Endangered Species Act in 1995; and a change made by the majority in 1996 to the reconciliation process, which paved the way for the 2001 and 2003 Bush tax cuts and the 2017 Trump tax cuts. When circumstances change, Senators have changed the rules time and time again.

All of this history clearly shows that the Senate rules are not chiseled in stone. That is probably a good thing because the people out there need us to do our jobs. And maybe that is more important than some archaic rule that someone is now abusing. They are not an outside force, these rules, over which we have no control. They are our rules—the Senators' rules, yes, but also the people's rules—written and changed over the years by Senators representing the people of this country, just like the ones sitting in this Chamber today.

As we move forward, I want to make clear that I agree with my colleagues who have said that we must keep the history of this institution in mind. By the way, I just gave you the history of this institution—160 carve-outs; time and time again when the rules have changed. That is the true history of this institution.

History plainly allows for just this type of action that our democracy now demands. If we acknowledge the stakes when it comes to protecting the freedom to vote, the cornerstone of our democracy, and we acknowledge the history of the rules of this body, I am left with a simple conclusion: We must update, change, and improve our rules to restore the Senate and meet the moment of our times.

Our Nation was founded on the ideals of democracy, and we have seen for ourselves in this building how we can't afford to take that for granted. I certainly saw that this weekend in Ukraine. We cannot afford to take any democracy for granted.

The world is watching us—watching to see how America is taking on the challenges of the 21st century, including the threats to our democracy. Around the globe, there are those who see weakness as an opportunity. They see weakness in our democracy as an opportunity for them. Those who are hoping that gridlock and paralysis are the defining features of America—they are out there, and you can imagine what world leaders I am thinking of right now.

To put it simply, if we are going to effectively compete with the rest of the world, we need a Senate that can do more than just respond to crises. We are pretty good at that—tornadoes, hurricanes, floods, tsunamis, financial crises, pandemics. OK. We respond to

that. But what about the long-term challenges that slowly but surely are eroding this democracy with voter suppression? There is so much at stake here. We must get this done.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that following the remarks of Senator PORTMAN, the Senate recess until 6:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

### FILIBUSTER

Mr. PORTMAN. Mr. President, I was asked recently what I think is the No. 1 issue facing America. It is a tough question, and I have had a lot of issues race through my mind: inflation, the debt, workforce issues, the crisis at our southern border, the explosion of COVID cases, the deadly opioid epidemic, a warming planet, Russia and China flexing their muscles and creating more volatility around the world. We have got plenty of challenges, don't we? But do you know what I landed on, what I think is our biggest problem? It is the increasing division—even polarization—of our politics and our country. It is what makes it so hard to address all of those other issues that I named that are so important to the families whom we represent.

Last week, on the Senate floor, my Democratic colleague from Arizona, Senator SINEMA, called it a disease of division. Well put. When we are together, this country can achieve great things and has over the years. It can provide a beacon of hope to a troubled world, but as Lincoln warned, "a house divided against itself cannot stand." In this body, we should be figuring out how to come together to help America stand—and stand strong—to address our many challenges.

That is why I am so discouraged about what I see playing out on the U.S. Senate floor again this week. I have seen an attempt by Democratic leadership to fan the flames of distrust. I see an attempt to further divide an already splintered country, both by exaggerated arguments being made to advance controversial legislation opposed by every single Republican regarding the tough issue of voting and then to try to achieve this purely partisan objective by changing a foundation of the Senate to dismantle the one Senate rule—the legislative filibuster—that works to bring us together rather than pull us apart.

Equally troubling to me is that this seems to be a purely political exercise now in that the conclusion seems predetermined. Apparently, the Senate is being dragged through this divisive and ugly partisan debate, knowing that it will not achieve a legislative result but only a deepening and hardening of the political lines in each camp.

Here in the Senate, most Republicans and most Democrats say they want to bring the country together. I think they are sincere about that. This message was an explicit part of President Biden's campaign for President. Yet there is nothing about the harsh, partisan rhetoric from the President's speech on this topic in Atlanta last week or from much of the floor debate this week and last week that does anything but push our country further apart.

First is the substance of the legislative fight. Democrats have been highly critical of those Republicans who refuse to accept the results of the 2020 election, pointing out accurately that dozens of lawsuits failed to show adequate fraud to change the result. They have attacked some Republicans because they have said that the election was rigged and for questioning the State-by-State certification process that has led to deeper rifts in our Nation and a significant number of Republican voters questioning the legitimacy of the election. I get that.

So why now are Democratic leaders and President Biden using the exact same language, literally saying the elections are rigged—literally saying that? Why are they perpetrating their own election narrative that does not fit the facts but serves to push both sides deeper into their own camps and, in particular, now leads Democrats to think that elections are illegitimate?

Majority Leader SCHUMER claims "Republicans are pushing voter suppression and election nullification laws."

President Biden has compared State efforts to tighten up election administration to Jim Crow laws. He has compared Republicans to notorious racists in our history. These attacks are overwrought, exaggerated, and deeply divisive.

Here is what the nonpartisan and respected group called No Labels has said about the Democratic attacks:

If you dig into these [state legislative] proposals you find most entail tightening up procedures pertaining to registration, mail-in absentee voting and Voter ID [laws] that were loosened in 2020 in the name of making it safer for people to vote amid the COVID pandemic. Many leading Democrats and liberal commentators have taken to describing these measures as Jim Crow 2.0, which is to say they are somehow worse than the original Jim Crow era, which entailed poll taxes and literacy tests, violent intimidation of Black voters by the KKK, and even outright prohibition on Black voters participating in party primaries in southern States. To suggest that any voting measures being debated today in America are somehow worse than this is simply irresponsible demagoguery.

That comes from No Labels, which is a nonpartisan group, Democrats and Republicans, trying to find that middle ground.

Now, to be fair, this group has been critical of Republican claims of widespread election fraud that cannot be backed up. So what are the actual facts?

First, the Constitution guarantees all citizens 18 years of age or older the